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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,648	10/31/2003	Steven Louis Eaton	LDC100A US	3752
21133 7590 09/14/2007 VAN OPHEM & VANOPHEM, PC REMY J VANOPHEM, PC 51543 VAN DYKE SHELBY TOWNSHIP, MI 48316-4447			EXAMINER VIG, NARESH	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 09/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/698,648	EATON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Naresh Vig	3629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-26, 28-46 and 48-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-26, 28-46 and 48-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

This is in reference to response received 07 June 2007. Claims 1–6, 8–26, 28–46 and 48–60 with the elected species of Fax is pending for examination.

### ***Response to Arguments***

Applicant's arguments and concerns for amended claims have been responded to in response to claims below.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1–6, 8–26, 28–46 and 48–60 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In the amended claims, applicant invention creates a record identifier for a real estate record, receives information from any fax source capable of contacting at least one server irrespective of a fax number of said fax source, and, prompting a sender of said information to input said record identifier into said fax source. Applicant has not disclosed how for example a Thermal Fax Machine which is capable of contacting at least one server (a server with fax capability like commercially available IBM AS/400 which can run applications as well as Fax Server) is sent a prompt for the sender to input said record identifier because the telephone line is busy with the communication between the thermal fax machine and the server, and also, how does the sender know the record identifier associated with the real estate record.

Also, as claimed in claims 3, 23 and 43, applicant has not disclosed how a portion of fax is sent to MLS when there is not conversion like for example OCR is done on the received fax to extract the data which is sent to MLS.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1–6, 8–26, 28–46 and 48–60 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite. For example:

applicant has not positively claimed how a sender of a fax to the server knows the identifier associated with the real estate record to be able to respond to the prompt by the server.

the association of the information received is associated with the proper real estate;

applicant has not positively claimed how the system approves the information received.

applicant has not positively claimed how the claimed invention automatically makes a decision on what access rights should assigned to the received information.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1–6, 8–26, 28–46 and 48–60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis US Publication 2002/0049624 in view of Watanabe Japan Patent 2001-274946.**

**Regarding claims 1, 21 and 41**, as best understood by examiner, Raveis teaches automating at least some phases of real estate transfer (storing data relating to

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and coordinating the multitude of tasks associated with the purchase or sale of a property from contract to close) [0017], said method being centralized on at least one server and carried out over a distributed computer network to a plurality of client computers [Fig. 1 and disclosure associated with Fig. 1]. Raveis teaches:

creating a real estate record on said at least one server [0017, 0018];

Raveis does not teach receiving information from any fax source. However, Watanabe teaches capability for receiving information from Facsimile equipment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adopt the teachings of Watanabe and modify Raveis to electronically file the documents received from parties involved in a transaction.

Raveis in view of Watanabe teaches:

prompting a sender to input record identifier

associating said information to said real estate record using a record identifier [Watanabe, 0009];

storing said information on said at least one server in association with said real estate record identity [Raveis, Fig. 3a,b and disclosures associated with the Fig., Watanabe, 0009, 0010].

**Regarding claims 2, 22 and 42,** Ravies in view of Watanabe teaches receiving at least some portion of a property listing from a multiple listing service (available homes are listed in MLS) [Raveis, 0099].

**Regarding claims 3, 23 and 43,** Raveis in view of Watanabe teaches transmitting at least a portion of said real estate record to a multiple listing service [Raveis, 0099].

**Regarding claims 4, 24 and 44,** Raveis in view of Watanabe teaches converting said information into a digital document to be associated and stored in accord with said associating and storing steps [Watanabe, claim 11 and disclosure associated with claim 11].

**Regarding claims 5, 25 and 45,** Raveis in view of Watanabe teaches:  
determining whether said record identifier matches any of a number of a plurality of real estate records [Watanabe claim 1 and disclosure associated with claim 1];  
discarding said digital document if said determining step is negative (it a business choice to decide what course of action to take when the determining action is negative. Watanabe teaches storing document into a common document storage area, and also capability of discarding the document. [Watanabe, 0039, claim 2 and disclosure associated with claim 2].

**Regarding claim 6, 26 and 46,** Raveis in view of Watanabe teaches capability for saving said digital document on said at least one server in accord with a matching real estate record if said determining step is positive.

**Regarding claims 8, 28 and 48,** Ravies in view of Watanabe teaches capability for listing agent reviewing said information [Watanabe, 0028] and granting view rights to authenticated users, such that said users can access and view a digital representation of said information (Raveis teaches remote log-in) [Raveis, 0007]. It is business choice for implementing security measures and decide how the security measures are implemented.

**Regarding claims 9, 29 and 49,** as responded to earlier for claim 1 and 8, Raveis in view of Watanabe teaches capability for listing agent marking information as secured or unsecured.

**Regarding claims 10, 30 and 50,** as responded to earlier for claims 1 and 8, Reveis in view of Watanabe teaches capability for providing security clearance and access over said distributed computer network to at least some portions of said real estate record to a plurality of different users depending upon an assigned role of a user among said plurality of different users, said plurality of different users including buyers, sellers, brokers, managers, agents, financial entities, other third parties, or the like.

**Regarding claims 11, 31 and 51,** as responded to earlier for claims 1, 8 and 10, Reveis in view of Watanabe teaches capability providing a masquerade function whereby one of said plurality of different users can masquerade as another of said



plurality of different users (an agent can be a buyer agent for searching properties, and, the same agent can be a listing agent for posting their properties on to the MLS).

**Regarding claims 12, 32 and 52**, as responded to earlier for claims 1, 8 and 10, Reveis in view of Watanabe teaches tracking activity on said at least one server so as to provide an audit trail of said activity corresponding to said real estate record such as date of access, user identification, and the like [Raveis, 0003].

**Regarding claims 13, 33 and 53**, as responded to earlier for claims 1, 8 and 10, Reveis in view of Watanabe teaches capability for administration by a real estate broker.

**Regarding claims 14, 34 and 54**, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for enabling a real estate broker controlling at least a portion of said information, said at least a portion of information including a list of third party companies with whom said real estate record is associated, such that a listing agent must use only third party companies from said list to conduct said real estate transfer.

**Regarding claims 15, 35 and 55**, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for real estate broker controlling at

least a portion of said information, said at least a portion of said information including a scheduling master template.

**Regarding claims 16, 36 and 56**, as responded to earlier for claims 1, 8, 10, 13 and 15, Reveis in view of Watanabe teaches capability for automatically generating a schedule for said real estate record from said scheduling master template [Raveis, 0021].

**Regarding claims 17, 37 and 57**, as responded to earlier for claims 1, 8, 10, 13, 15 and 16, Reveis in view of Watanabe teaches capability for schedule being automatically populated with a plurality of tasks and associated dates [Raveis, 0021].

**Regarding claims 18, 38 and 58**, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for generating email communications to one or more of a plurality of users based on the happening of an event [Raveis, 0034].

**Regarding claims 19, 39 and 59**, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for automatically generating an email communication containing advertising information from said real estate record (content of an email is business choice).

**Regarding claims 20, 40 and 60**, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for generating reports from said real estate record [Raveis, 0024, 0025].

### ***Conclusion***

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information



Naresh Vig  
Examiner  
Art Unit 3629

September 11, 2007